

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHELBY MCKEE,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION,

Defendant.

Case No. 2:20-cv-12211

Paul D. Borman
United States District Judge

Anthony P. Patti
United States Magistrate Judge

**ORDER ADOPTING MAGISTRATE JUDGE PATTI'S
FEBRUARY 1, 2022 REPORT AND RECOMMENDATION TO
1) DENY PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT;
2) GRANT DEFENDANT'S MOTION FOR SUMMARY JUDGMENT;
AND 3) AFFIRM THE COMMISSIONER'S DECISION**

On February 1, 2022, Magistrate Judge Anthony P. Patti issued a Report and Recommendation (ECF No. 22) addressing the cross-motions for Summary Judgment filed in this matter (ECF No. 18, 19). In the Report and Recommendation, Magistrate Judge Patti recommends that the Defendant's Motion (ECF No. 19) be granted, the Plaintiff's Motion (ECF No. 18) be denied, and, pursuant to 42 U.S.C. § 405(g), the Commissioner's decision be affirmed. Plaintiff filed an Objection to the Report and Recommendation on February 14, 2022 (ECF No. 23), and Defendant filed a response to that Objection on February 17, 2022 (EC No. 24).

Having conducted a *de novo* review of the parts of the Report and Recommendation to which objections have been filed pursuant to 28 U.S.C. § 636(b)(1), the Court agrees with Magistrate Judge Patti's conclusion that "Dr. Csokasy's opinion contained no specific limitation regarding Plaintiff's ability to interact with supervisors," and therefore finds no error on this basis. (ECF No. 22, PageID 598.) The Court also agrees that "even if the ALJ [had] erred by failing to include a restriction on Plaintiff's interaction with supervisors in the RFC," such error would have been harmless. (ECF No. 22, PageID 598.)

Furthermore, the Court rejects Plaintiff's "argument that the ALJ afforded insufficient weight to the opinion of Drs. Qadir and Zenati" (ECF No. 22, PageID 600), and therefore finds no error in the ALJ's evaluation of the subject MSS.

Accordingly, for the foregoing reasons, the Court:

- (1) **OVERRULES** Plaintiff's Objection to Magistrate Judge Patti's Report and Recommendation (ECF No. 23);
- (2) **ADOPTS** the Report and Recommendation (ECF No. 22);
- (3) **DENIES** Plaintiff's Motion for Summary Judgment (ECF No. 18);
- (4) **GRANTS** Defendant's Motion for Summary Judgment (ECF No. 19); and

(5) **AFFIRMS** the Commissioner's Decision.

IT IS SO ORDERED.

s/Paul D. Borman
Paul D. Borman
United States District Judge

Dated: March 7, 2022